

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 31, 1994

ALL-COUNTY LETTER NO. 94-91

TO: ALL COUNTY WELFARE DIRECTORS
ALL AFDC PROGRAM COORDINATORS
ALL GAIN COORDINATORS
ALL FOOD STAMP COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) ELIGIBILITY
FOR CARETAKER RELATIVES OF DEPENDENT FOSTER CARE CHILDREN

References: Administration for Children and Families (ACF) Action Transmittal (AT) 94-5

On February 28, 1994, ACF-AT-94-5 provided a new federal policy for determining AFDC-Family Group (FG) eligibility of a caretaker relative when a dependent child(ren) is eligible for foster care benefits. Current AFDC regulations preclude a caretaker relative from receiving AFDC-FG benefits for the relative's needs when the eligible child(ren) is receiving foster care benefits.

Under the new policy, when a needy caretaker relative is eligible for foster care payments for a dependent child(ren), that relative may now be eligible to receive AFDC-FG. The caretaker must meet the caretaker relative requirements specified in MPP 82-808, as well as all other eligibility requirements. The policy change applies to caretaker relatives of a child(ren) receiving AFDC-Foster Care (FC) or local foster care maintenance payments. Local foster care maintenance payments are payments made with county-only foster care funds for the board and care costs of a child(ren) in 24-hour out-of-home care who have an open child welfare services case file.

This change in policy provides a needy caretaker relative a third option when applying for assistance for a child(ren) eligible for foster care benefits. Currently, the caretaker relative may choose to receive foster care benefits for the child(ren), or to receive AFDC-FG benefits for both the child(ren) and herself/himself. Now the eligible caretaker relative may choose to receive foster care benefits for the child(ren) and AFDC-FG benefits for herself/himself.

Since some needy caretaker relatives eligible for both the AFDC-FG and foster care programs may have selected AFDC-FG benefits rather than foster care benefits at the time of application for assistance, these caretaker relatives may now want to request a change from AFDC for themselves and the child, to foster care for the child and AFDC-FG for themselves. Requests for such aid changes are subject to the same notice and retroactive provisions as described further in this letter.

Date of Mailing, 1994

IMPORTANT NOTICE

FOR CARETAKER RELATIVES OF FOSTER CARE CHILDREN

As a caretaker relative of a foster care child(ren) there are new rules that say you may be able to receive AFDC for yourself.

You must be related to the foster child by blood, marriage, or adoption. You must also meet all other rules for receiving AFDC. If you qualify you may be eligible to receive AFDC for yourself in addition to foster care for the foster child.

You must contact your eligibility worker to make an application or to review your case if you think you may be eligible. **You have 60 days from the date of this notice to apply for payments. If you are eligible, payments may go back to March 1, 1994.**

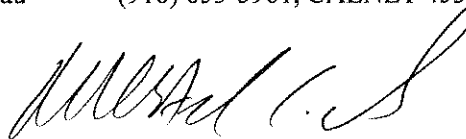
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Once a caretaker relative is determined eligible for AFDC-FG benefits, he/she is treated the same as other AFDC-FG recipients, including the requirements for GAIN. Also, if the caretaker relative ceases to be AFDC eligible, he/she may become eligible for Transitional Child Care (TCC) and Transitional Medi-Cal (TMC), provided the requirements of the TCC program or the TMC program are met.

Benefits are retroactive to the first day of the month following the change in policy, which is March 1, 1994, or if assistance was initiated subsequent to that date, the date assistance started. The California Department of Social Services (CDSS) will mail a copy of the attached notice to caretaker relatives of foster care children currently receiving foster care benefits, and caretaker relatives of foster care children currently receiving AFDC-FG benefits. The notice will be mailed approximately 30 days after this All-County Letter. In the notice CDSS requires possible recipients to contact his/her Eligibility Worker within 60 days from the date that will be on the notice. After the 60 day period, caretaker relatives are eligible for payments from the date of application forward. For Food Stamp purposes, if the retroactive payment is provided as a nonrecurring lump sum, it is excluded from income and counted as a resource in the month received, MPP 63-502.2(j).

Counties must immediately begin notifying new caretaker relatives of foster care children of the new policy. Regulations are currently being developed to reflect this change. If you have any questions regarding this letter, please contact the following staff:

Foster Care	Foster Care Program Consultant	(916) 445-0813, CALNET 485-0813
GAIN	GAIN Operations Analyst	(916) 657-3403, CALNET 437-3403
Food Stamp	Ernie Villalobos, Food Stamp Program Bureau	(916) 657-1680, CALNET 437-1680
AFDC	Kay Cummins, AFDC Policy Implementation Bureau	(916) 653-5961, CALNET 453-5961



MICHAEL C. GENEST
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Attachment